

Application Serial No. 10/533,176

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I-LVI	1-16, 19-26, and 30-46	An isolated nucleic acid, a transgenic plant or plant cell, an expression cassette, and methods of using said nucleic acid and expression cassette to transform plant cells;
LVII-CXIII	17, 18, and 27-29	An isolated polypeptide and method of producing said polypeptide; and
CXIV-CXLV	45	A method of using an expression cassette comprising an isolated nucleic acid molecule to transform plant cells.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1-4, 16, 19-26 and 30-46, drawn to an isolated nucleic acid of SEQ ID NO: 1, a transgenic plant or plant cell, an expression cassette, and methods of using said nucleic acid and expression cassette to transform plant cells for prosecution at this time.

REMARKS

Claims 1-46 are now pending in the subject U.S. patent application. Claims 1-46 as filed have been subjected to a Restriction/Election Requirement.

Claims 1, 27 and 42 have been amended herein by replacing "SEQ ID NO: 113" with "SEQ ID NO: 114". Applicants respectfully submit that SEQ ID NO: 113 represents the nucleic acid that encodes for the protein of SEQ ID NO: 114, i.e. OsGF14-c, employed in the yeast two hybrid assay as recited in claims 1, 27 and 42. As such, applicants respectfully submit that "113" in claims 1, 27 and 42 is a typographical error which should read "114". Therefore, no new matter has been added by the amendments to claims 1, 27 and 42.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group I, claims 1-4, 16, 19-26 and 30-46, for prosecution at this time. Applicants respectfully submit that Group I is believed to be the Group that relates to an

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isolated nucleic acid of SEQ ID NO: 1, a transgenic plant or plant cell, an expression cassette, and methods of using said nucleic acid and expression cassette to transform plant cells. In the event that applicants have incorrectly calculated the Group number, applicants respectfully request that the Patent Office examine the Group that corresponds to SEQ ID NO: 1. Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

Applicants respectfully traverse the assertion by the United States Patent and Trademark Office (hereinafter "the Patent Office") that separate and non-coextensive searches would be required to properly examine the subject matter of the each of the Groups. Applicants respectfully submit that it would not constitute an undue search burden for the Patent Office to examine all of the claims of Groups I-VIII together. Groups I-VIII are believed to relate to isolated nucleic acids of SEQ ID NOs: 1, 3, 5, 7, 9, 11, 13 and 15, which encode for polypeptides of SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14 and 16, respectively. In particular, applicants respectfully submit that the polypeptides encoded by nucleic acids of SEQ ID NOs: 1, 3, 5, 7, 9, 11, 13 and 15, i.e. Groups I-VIII, each bind in a yeast two hybrid assay to a fragment of a protein of SEQ ID NO: 114, i.e. OsGF14-c, as recited in amended claims 1, 27 and 42. Applicants respectfully direct the Patent Office's attention to Table 1, at pages 133-135 of the specification as filed, which summarizes the "prey" or "interactor" proteins, i.e. polypeptides of SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14 and 16, that bind to a fragment of a protein of SEQ ID NO: 114, the "bait" protein, in a yeast two hybrid assay.

As such, applicants respectfully submit that the ability of each of the polypeptides of SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14 and 16 to bind to a fragment of a protein of SEQ ID NO: 114 in a yeast two hybrid assay illustrates that each of these "prey" proteins has a structural commonality. In particular, each of the "prey" proteins bind to amino acids 1-150 of the "bait" protein (SEQ ID NO: 114). See, e.g., the column labeled "Bait Coord" of Table 1. Therefore, each of the isolated nucleic acids of SEQ ID NOs: 1, 3, 5, 7, 9, 11, 13 and 15, which encode for polypeptides of SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14 and 16, respectively, are believed to possess the structural/functional commonality of encoding proteins capable of binding to OsGF14-c. Thus, applicants respectfully submit that, based upon this special technical feature, it would not constitute an undue search

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burden for the Patent Office to examine all of the claims of Groups I-VIII together. Accordingly, applicants respectfully request that Groups I-VIII be examined together.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

Deposit Account

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments in connection with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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